

REMARKS

In the final Office Action, the Examiner rejected claims 1, 2 and 9-13 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0041142 to Zhang et al. ("Zhang") in view of "Introduction to Grid Computing with Globus" by IBM ("IBM"); and rejected claims 4-8 under 35 U.S.C. § 103(a) as being unpatentable over *Zhang* in view of U.S. Patent Application Publication No. 2003/0101331 to Boylan et al. ("Boylan") and further in view of *IBM*.

By this amendment, Applicants amend claims 1, 4, and 5, and adds new dependent claim 14. Based on the amendments and the following remarks, Applicants respectfully traverse the rejections presented in the Office Action.

I. The Telephonic Interview of September 25, 2008

Applicants would like to thank the Examiner for the telephone interview of September 25, 2008 with Applicants' representatives. Applicants discussed the possibility of amending the independent claims as presented herein. The Examiner agreed that these amendments would distinguish the claims from the cited references.

II. The Rejection of Claims 1, 2, and 9-13 under 35 U.S.C. § 103(a)

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore,

"[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1996) . . . The factual inquires . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Claim 1 recites, for example, "a computer-readable storage device comprising instructions for causing a processor to ... generate ... a graph ... wherein the resource

requests are routed within the grid network from the superior grid managers to the inferior grid managers as indicated by the directional edges" (emphasis added)." As agreed to by the Examiner during the interview, *Zhang* and *IBM* fail to render obvious at least these recitations of claim 1.

Zhang discloses a system for monitoring an active network that uses application specific modules to customize user interfaces (*Zhang*, abstract). The Office Action relies on one of *Zhang*'s interfaces, illustrated in FIG. 4, in addressing most of the recitations of claim 1 (Office Action at pp. 3-5). FIG. 4 of *Zhang* illustrates a network with several routers, two of which are down (*Zhang*, FIG. 4 and ¶ 82). FIG. 4 illustrates connections among the other routers, and the connections include black triangles which the Office Action refers to as "arrows" and as allegedly corresponding to the claimed "directional edges" (Office Action at p. 3).

Applicants disagree that *Zhang*'s black triangles are "arrows" or otherwise can correspond to the claimed "directional edges." It is true that some of *Zhang*'s triangles appear to point from the top router in FIG. 4 to the bottom router in FIG. 4. However, other triangles in FIG. 4 are not aligned in any direction between two routers (See, e.g., two unlabeled routers in upper right corner of *Zhang*, FIG. 4).

Moreover, even assuming *Zhang*'s black triangles can fairly be characterized as "directional edges," *Zhang* is silent as to whether the direction of the triangles corresponds to a routing of resource requests within *Zhang*'s network. *Zhang* merely discloses a monitoring application that interacts with "packet flows" to create the interface shown in FIG. 4 (*Zhang*, ¶ 86). However, *Zhang* does not illustrate these

packet flows, nor does *Zhang* disclose that the packets themselves are “resource requests.”

Further, claim 1 recites that the resource requests are routed “from the superior grid managers to the inferior grid managers as indicated by the directional edges.” *Zhang* does not define any hierarchical structure on the routers illustrated in FIG. 4 analogous to the claimed superior and inferior grid managers. Even if the triangles in FIG. 4 are interpreted to represent a flow of packets in *Zhang*’s network, they would merely represent wherever a corresponding packet happened to be going at a given point in time, and not “routed … from the superior grid managers to the inferior grid managers.”

For at least the reasons discussed above, and as agreed to by the Examiner during the interview, *Zhang* does not teach or suggest “generat[ing] … a graph … wherein the resource requests are routed within the grid network from the superior grid managers to the inferior grid managers as indicated by the directional edges” as recited by independent claim 1.

IBM fails to cure the deficiencies of *Zhang*. *IBM* includes a general discussion of grid computing (*IBM*, p. 3). *IBM* also includes an image of an administrator viewing a computer screen and adjusting grid policies (*IBM*, p. 12). However, as the Examiner agreed during the interview, *IBM* does not teach or suggest “generat[ing] … a graph … wherein the resource requests are routed within the grid network from the superior grid managers to the inferior grid managers as indicated by the directional edges” as recited by independent claim 1.

For at least the above reasons, the cited references do not render obvious claim 1, and a *prima facie* case of obviousness has not been established. Therefore, the Examiner should withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) and allow independent claim 1.

Claims 2 and 9-13 depend from claim 1. These dependent claims are allowable at least due to their dependence on the independent claim. Accordingly, the Examiner should also withdraw the rejection of dependent claims 2 and 9-13 and allow these dependent claims.

III. The Rejection of Claims 4-8 under 35 U.S.C. § 103(a)

A. Claim 4

Applicants respectfully request that the Examiner withdraw the rejection of independent claim 4. A *prima facie* case of obviousness has not been established with respect to independent claim 4.

Independent claim 4 recites a computer-readable storage device comprising instructions for causing a processor to perform a method, the method comprising displaying a first graphical user interface (GUI), the first GUI comprising "a graph with ... vectors pointing from the superior grid managers to the inferior grid managers to indicate routing of resource requests between grid managers within the computer grid." For reasons similar to those discussed above with respect to claim 1, *Zhang* and *IBM* fail to teach or suggest at least these recitations of claim 4.

Boylan discloses a "view-based design technique for an ASIC" (*Boylan*, abstract). *Boylan's* technique includes displaying ASIC cores in a hierarchy (*Boylan*, FIGS. 1 and

2, ¶¶p 30 and 32). However, *Boylan* does not disclose a vector that indicates a routing of resource requests between the cores, for example. Therefore, as agreed by the Examiner during the interview, *Boylan* also does not teach or suggest “a graph with ... vectors pointing from the superior grid managers to the inferior grid managers to indicate routing of resource requests between grid managers within the computer grid” as recited by independent claim 4.

For at least the above reasons, the cited references do not render obvious claim 4 and no *prima facie* case has been established. Therefore, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 103(a) and allow claim 4.

B. Claims 5-8

Applicants respectfully request that the Examiner withdraw the rejection of claims 5-8. A *prima facie* case of obviousness has not been established with respect to these claims.

Independent claim 5 recites a method including “drawing a first group of vectors ... indicating that resource requests in the grid network are routed from the first grid manager to the inferior grid managers.” For reasons similar to those discussed above with respect to independent claims 1 and 4, *Zhang*, *IBM*, and *Boylan* fail to teach or suggest at least these recitations of claim 5.

Claims 6-8 depend from claim 5. These dependent claims are allowable at least due to their dependence on the independent claim. Accordingly, the Examiner should also withdraw the rejection of dependent claims 6-8 and allow these dependent claims.

IV. New Claim 14

New dependent claim 14 is allowable at least due to its dependence from allowable independent claim 1.

V. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 1, 2008

By: 
Philip J. Hoffmann
Reg. No. 46,340